Honolulu, Hawaii

February 23, 2014

RE: H.B. No. 1796 H.D. 2

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1796, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION,"

begs leave to report as follows:

The purpose of this measure is to promote the safety and well-being of students and school personnel by requiring the Board of Education and the Department of Education to establish policies and procedures for the use of restraint or seclusion in public schools in order to:

- (1) Ensure that school staff who might use restraint or seclusion are properly trained and certified;
- (2) Prevent or reduce the use of restraint or seclusion, and in the event their use becomes necessary, protect students from abusive application; and
- (3) Ensure that restraint or seclusion are used only when a student's behavior poses an imminent danger of physical injury to themselves or others.

The Department of Education; State Council on Developmental Disabilities; Special Education Advisory Council; Community Children's Council of Hawaii; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and several concerned individuals testified in support of this bill. Several concerned

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individuals opposed this bill. The Hawaii Disability Rights Center, Easter Seals Hawaii, and a concerned individual provided comments on this bill.

Your Committee has amended this measure by:

- (1) Deleting "chemical restraint" from the definition of allowable restraints:
- (2) Adding an appropriation of an unspecified amount to provide resources for training and data accountability;
- (3) Changing its effective date to August 26, 2151, to facilitate discussion; and
- (4) Making technical, nonsubstantive amendments for purposes of clarity, consistency, and style.

It is not the intent of your Committee that the reasonable force provisions of sections 302A- and 703-309(2), Hawaii Revised Statutes, be construed as punishment.

Your Committee respectfully notes that there may be some ambiguity in this measure as to who shall be responsible for rules, procedures, notices, and data collection, and encourages further discussion on these matters as this measure progresses through the legislative process.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1796, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1796, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

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State of Hawaii House of Representatives The Twenty-seventh Legislature

HSGR776.14

Record of Votes of the Committee on Judiciary

HB 1796 HD	ommittee Referral:		ate: 2/20/14	
HB 1796, HD EDN, JUD 2/20/14 The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. HAR, Sharon E. (VC)	3.000			
3. BELATTI, Della Au				
4. BROWER, Tom		007		
5. CREAGAN, Richard				
6. ITO, Ken				
7. KAWAKAMI, Derek S.K. 8. LEE, Chris				
9. NAKASHIMA, Mark M.				
10. TSUJI, Clift				
11. WOOLEY, Jessica				
12. MCDERMOTT, Bob	A CONTROL OF THE CONT		And the second section of the section of	RATE COMMERCES VI., SHOWAR I HOWING CALLEST LINE
13. THIELEN, Cynthia				
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TOTAL (13)	7	1		5
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				